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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CARTER, AARON W

ART UNIT PAPER NUMBER

2624

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Supplemental
Notice of Allowability**

Application No.

09/990,947

Examiner

Aaron W. Carter

Applicant(s)

DAW, SHAWN I

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed on June 8, 2006.
2. ☒ The allowed claim(s) is/are 1,2,4-16,18 and 19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

JINGGEWU
PRIMARY EXAMINER

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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Donohue (Reg. No. 35,859) on August 28, 2006.

The application has been amended as follows:

In the specification on page 4, after line 11 which states "BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING (S)" and before line 12, please insert the following paragraph:

" The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

DETAILED ACTION

1. This action is responsive to papers filed on June 8, 2006.

Response to Amendment

2. In response to applicant's amendment received on June 8, 2006, all requested changes to the specification and claims have been entered. Claim 3 has been cancelled.

Allowable Subject Matter

3. Claims 1, 2, 4-16, 18 and 19 are allowed.

4. The following is an examiner's statement of reasons for allowance:

5. As to claim 1, none of the prior art teach or fairly suggests the limitation of "the image analysis indicator showing the color scale variation corresponding to the different characteristics of the data", in combination with the other limitations of the claim. The prior art of Kaufman, already of record, discloses a color scale variation on the visual display and an image analysis indicator (column 16, lines 5-20), but does not teach or fairly suggest the limitation described above.

6. As to claim 8, none of the prior art teach or fairly suggests the limitation of "wherein the color overlay and the indicator are the same color as each other on the visual display terminal", in combination with the other limitations of the claim. The prior art of Kaufman, already of record, a visual display having an image, a color overlay on the image and an indicator on the visual display indicating the presence of the color overlay, but does not teach or fairly suggest the limitation described above.

7. As to claim 9, none of the prior art teach or fairly suggests the limitation of “indicators present on the visual display terminal associated with each of the plurality of images that have a tissue of interest thereon, indicating whether each respective image has a tissue of interest thereon”, in combination with the other limitations of the claim. The prior art of Kaufman, already of record, a visual display having an image, a color overlay on the image and an indicator on the visual display indicating the presence of the color overlay, but does not teach or fairly suggest the limitation described above.

8. As to claim 11, none of the prior art teach or fairly suggests the limitation “a marking associated with each of the images indicating those images which contain a region of interest that is similar to the tissue of interest, the marking being spaced from the tissue of interest within each respective image wherein the markings has a first form when the tissue of interest indicator is selectively turned on and a second form when the tissue of interest indicator is selectively turned off”, in combination with the other limitations of the claim. The prior art of Kaufman, already of record, discloses a identifying a tissue of interest and a tissue of interest indicator (column 16, lines 5-20), but does not teach or fairly suggest the limitation described above.

9. As to claim 18, none of the prior art teach or fairly suggests the limitation “selecting the first or second tissue type and placing an analysis status indicator associated with each image that contains the selected tissue type”, in combination with the other limitations of the claim.

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The prior art of Komiya, already of record, discloses identifying different tissue types in an image set, but does not teach or fairly suggest the limitation described above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron W. Carter whose telephone number is (571) 272-7445. The examiner can normally be reached on 8am - 4:30 am (Mon. - Fri.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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JINGSE WU
PRIMARY EXAMINER